

Minutes of Meeting West Pikeland Township Planning Commission
April 14, 2008

The regular meeting of the West Pikeland Township Planning Commission was convened on April 14, 2008, at the Township Building at 1645 Art School Road in Chester Springs, Pa.

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Frank Best, chairman. Other Planning Commissioners in attendance were Tom Dinan, Bill Normoyle, Paul Dowie, John Henssler, Sean O'Neill and Albert Wachsmuth. Frank Tavani was present as an ex officio member of the Planning Commission. Also present were Township Engineer Michael Mayhew of Yerkes Associates, and the Township's conflict engineers, Robert Johnston and Julia Lacey of Gilmore Associates. Subdivision Officer Harry Miller and Township Manager, Jeri L. Diesinger, were also present.

APPROVAL OF MINUTES

Mr. Best called for the approval of the meeting minutes of March 10, 2008. On motion by John Henssler, seconded by Tom Dinan, the minutes were unanimously approved.

PERSONS WISHING TO BE HEARD

Chairman Best asked whether any persons in attendance wished to speak to matters not on the agenda.

1. Rick and Barbara Miller (Golden Rocket). Rick and Barbara Miller asked to be heard with respect to their proposal to renovate the former Township Building on Route 113 for use by Mr. Miller's advertising business. They are proposing an addition to the existing building. They have applied for a building permit. Tom Cooke, code enforcement officer, has indicated that the parking requirement should be based on general office use, rather than for professional office use. As a result, 28 spaces would be required under that standard. The Millers propose to show two spaces as "reserve" spaces to comply with this requirement. They also ask to leave the gravel parking area in the rear, where some of the required number of spaces are located, in gravel, rather than paved surface. No land development application is filed, but the Township has asked that they present their proposal to the Planning Commission on an informational basis.

Mr. Miller briefly reviewed the building plans, including a new entry lobby, conference rooms and reception area. A cupola will be added on the addition area. They wish to largely maintain the appearance of the façade of the existing structure intact. The historic commission has recommended the retention of this façade. They do not wish to directly mimic the existing windows on the new addition, since they feel the aesthetics more properly recognize the difference between the older façade and the new addition.

The Planning Commission, by consensus, expressed no objection to the denoting of the two added spaces to the north side of the building as "reserve" spaces. In addition, by

consensus, the Planning Commission did not feel that paving of the gravel parking area in the rear of the building was essential, based on anticipated employees and low or no volume "client" parking for this particular office use, as described by Mr. Miller.

The Planning Commission, by consensus, recommends that the building permit and building permit plan contain a condition that the two reserve spaces need not be installed prior to occupancy but must be installed by the owner at any such future time that the Township requires same based on its determination of need for same or any change in use warranting same. Further the paving and striping of the spaces located in the "gravel" parking area may be required upon any future change in use entailing greater parking demands.

Finally, it was noted that under the Ordinance, the decision to waive the paving of the rear parking area should also be reviewed by the Township Engineer.

These conditions should be noted on the permit and acknowledged by the owner in writing prior to building permit issuance and upon occupancy permit issuance.

As no land development application is filed, no formal action was taken and these consensus recommendations are made for consideration by the Township Code Enforcement Officer in connection with building permit issuance.

2. There were no other persons wishing to be heard on non-agenda items.

OLD BUSINESS

A. ZONING HEARING BOARD NOTICE. Jeri Diesinger announced that the zoning hearing board will conduct a hearing on April 16, 2008 for the Riley property on Byers Road.

B DAVIS -CONTI SUBDIVISION PLAN. Michael Mayhew, Township Engineer presented his review of the subdivision proposal, as summarized in his letter dated April 11, 2008. The property is 12.370 acres on the west side of Route 113 across from its intersection with Clover Mill Road. There is an existing parcel line dividing the property. The tract contains one existing home and one detached garage. There are no other improvements. The applicants propose to consolidate the two existing parcels and resubdivide them into three newly configured lots under the open space development option. Two lots (less than 2 acres each) will front on Route 113. A larger lot of 7.88 acres with the major portion of the open space is planned on the rear, north side of the tract. The proposal is for private open space ownership of the areas denoted as open space on each lot. There will be no homeowners association. There are areas of steep slope and very steep slope. A shared drive is proposed for lots 2 and 3. It will become an individual drive on reaching lot 3. There will be individual on lot water and septic systems for each lot. This is not prime agricultural property under the zoning ordinance map of same.

Mr. Mayhew noted that the applicants need to add a table showing the zoning requirements and what is existing and what is proposed.

Sean O'Neill questioned whether the open space parcels are "wide" enough to qualify for open space under the ordinance. Mr. Mayhew stated that he believed the 74 foot width on lot 1 qualified. Sean O'Neill asked whether the parts of the open space located in the required setbacks could legitimately count toward open space, since they are already required to be open due to the setback requirements. This needs to be reviewed.

Mr. Mayhew noted that the tract is across the street from Township owned open space so that the Township may wish to consider whether there are particular open space uses that would be desirable for the open space areas of the subdivision. There was a discussion of trails. The applicants stated that there are no trails existing on the property, except that they did note that there may be a horse riding trail or trails in the rear of the property.

There was a discussion of ridge line protection and the partial screening that is afforded of the proposed building area on lot 3 due to the existing wooded areas on the lot. Mr. Best asked if the house would be on top of the ridge line, and Mr. Conti said that the top of the roof would be at the level of the top of the ridge line.

Ms. Conti stated that this proposal takes into account the comments of the prior review done with John Snook of the Brandywine Conservancy. John Snook's review memorandum dated April 14, 2008 also states the need documentation concerning open space management plans, open space restriction documents, and landscape plans.

The plan has not been submitted for NPDES review, as they are awaiting county review first.

It was noted that the required open space is about 10% in excess of the minimum required.

In reply to a question by Sean O'Neill, the applicants were agreeable to showing an area along the tract frontage as reserved trail easement in favor of the Township, to permit potential linkage of the tract with any potential extension of the trail system in the Township to the south of this tract.

The Applicant should show all required yards and it should be determined whether and what portions of the areas may "count" toward required open space.

The Applicant will address these and the other comments noted in the Yerkes review letter and the Brandywine Conservancy memo of April 14, 2008. No action was taken at this time.

2. ANSELMA CROSSING CONDITIONAL USE REVIEW. Mr. Kring and Lisa D'Andrea were present on behalf of the Applicant. Mr. Mayhew, Township engineer, has submitted a review letter dated April 8, 2008 addressing the conditional use application. The items of conditional use are described in the Yerkes review letter and include requests for the two buildings proposed to exceed 3000 s.f. in area (one being the proposed Pickering Feed building on the Anselma parcel, and for increasing the allowable impervious coverage on "tract

C” being the post office and retail building site. Conditional use is also requested, if required, for constructing buildings with single facades greater than 60 feet in length and constructing fewer loading berths than required by the Zoning Ordinance.

Ms. D’Andrea addressed the conditional uses requested for building size (for the two buildings proposed to exceed 3000 s.f.) and building configuration. She also stated that conditional use is requested to exceed coverage requirements. She stated the goal of the plan is to develop a village like setting. She presented an aerial photograph of the existing site and described the proposed new development reflected on the conditional use application plan.

The architect, Martin Kimmel, described the building proposals and compared the proposed building to similar building projects that he has worked on such as the West Brandywine Township Building.

Mr. Best asked whether there were any existing facades that exceeded 60 feet in length. The applicant’s architect stated there were not, as they are broken by roofline treatments or façade offsets. It was noted that the proposed Pickering Feed building is planned to be 11,175 s.f., plus the addition area of 2880 s.f. The building will be at a perpendicular angle to Route 401. Sean O’Neill commented that the post office building proposed on the east side of the site appeared to be more of a mass. Mr. Kring stated that it was designed to reflect the appearance of the dairy barn at the Pew Estate. The building is about 85 feet in length but there is an offset in the roof line to break up the appearance on the Route 401 side of the building.

Mr. Kring described the proposed uses for the Pickering Feed store, a gourmet food shop, the post office, an antique dealer in the schoolhouse and a “Station Bistro” style café in the remaining building.

John Henssler again voiced his concern over apparent wetlands areas in the rear of the site in the area where the drive is proposed. Ms. D’Andrea stated that the wetlands are delineated on the plans according to their wetlands study.

There was a discussion of the proposed buffer between the post office and the residential properties adjoining it. The landscaping plan shows proposed landscaping to include 36 deciduous trees and 329 shrubs. It was noted that the area to the south of the post office is the “maneuvering area” where most employees will park. A heavy landscape screen is proposed for this area. Due to sight line constraints along Route 401, that side of the building can not be densely planted. There was a lengthy discussion of the conceptual landscaping plans.

A member of the public in attendance questioned whether any traffic light is proposed since it is presently difficult to get out on to Route 401 due to the heavy traffic in this area. Ms D’Andrea stated that, based on the Applicant’s traffic study, there does not appear to exist sufficient warrant for a light in this area.

There followed a discussion of the requested loading area waiver by conditional use. The Pickering Feed building will comply with the loading area requirements. They are seeking the

waiver of the requirement for the 2785 s.f. retail building due to its smaller size. No loading area is required for buildings that are less than 2000 s.f.

Ms. Diesinger questioned the adequacy of the access to the site for emergency equipment and, in particular, fire trucks. The applicant stated that fire trucks would have to come in and back out.

With respect to the conditional use for coverage, the excess coverage on the post office site is 4.2%, which is allowable by conditional use. The coverage on the Anselma site is actually at 110% of allowable coverage after all net outs of flood plain and other constraints are applied under current zoning. However, the coverage on that site is not being increased.

Sean O'Neill raised the question of historic commission review due to the existing historic resource on the property and its proximity to Anselma Mill. He also questioned the feasibility of using "shared parking" for the two sites, as necessary to meet the ordinance requirements for the Anselma Village uses by borrowing spaces from the post office parcel. Due to the existing residential property separating the post office site from the Anselma village site, this shared parking and the cross traffic of pedestrians appears problematic. Mr. Kring stated that pedestrians could walk along the connecting access in the back of the site. It was noted that this remains a concern but should be further examined in connection with the land development and special exception reviews to follow. The shared parking arrangement requires special exception under the zoning ordinance.

Chairman Best called for a motion with respect to the pending conditional use requests.

ACTION: Because the schoolhouse is an historic resource and due to the proximity to Anselma Mill, it was recommended that the conditional use for the building size and configurations be submitted by the Applicant to reviewed by the Historic Commission. Subject to this condition (and compliance with such recommendations as may be made by the Historic Commission in connection with such review) on motion made by Bill Normoyle and seconded by John Henssler, the Planning Commission unanimously recommended that the conditional uses be approved.

3. JACOB YASGUR SUBDIVISION.

A comment letter from Gilmore Associates, as Township's review engineer for this project, has been received, dated April 11, 2008. Julia Lacey summarized the plan and outstanding review issues.

Ms. Lacey noted that the rear yard setback needs to be revised to be 50 feet instead of 40 feet. The riparian buffer around the wetland area needs to be shown on the plans. The ordinance allows a sketch plan review where all lots front on an existing main road. However, this plan has been submitted as a preliminary plan application.

The existing well and proposed wells and isolation distances need to be shown on the plan. The driveway grade is at 12%. The maximum grade is 10%. The driveway needs to be reconfigured to be not more than 10% grade.

No submission to Chester County Conservation District can be made until preliminary plan approval is given.

Tom Dinan restated his concern that the subdivision would be better and clearer if the new driveway were kept on its own lot, rather than necessitating the easement for the drive as proposed. He suggested adjusting the lot line accordingly. Mr. Yasgur's engineer felt that the lot line had to be drawn where it's shown to achieve the required net lot size(s). The Applicant will reexamine this aspect of the plan.

This is only the initial review of the preliminary plan, as the prior plan was merely a sketch. No action was taken at this time, and the Applicant will need to address the above and other comments noted in the Gilmore review letter.

4. ACMEC CONDITIONAL USE REVIEW.

The Applicant was represented by Joseph Hunt and Erin Smith of Yerkes Associates, its project engineers, and Mr. Richard Lipow, Esquire, their attorney.

Sean O'Neill asked for confirmation that there is no land development application pending, but merely conditional use at this time. Mr. Hunt confirmed same.

Gilmore Associates, as Township review engineer initially reviewed the conditional use application on March 24, 2008. Mr. Hunt stated that the plans for the worship facility have been revised with respect to stormwater control facilities. The basin on the west side has been replaced with underground storm water facilities which will discharge to the wetlands area in the lower, frontage of the site. Mr. Hunt stated that the plan has since been again reviewed by Gilmore on April 10, 2008. Mr. Hunt addressed the Gilmore review comments outlined in the April 10, 2008 review letter.

Mr. Hunt stated that the spire height on the worship building is controlled by the requirement that it be no taller than the setback from the property line. Two spires are proposed: one will be 40 feet high; and the second (closer to the center) will be 55 feet tall.

In response to the comment number one (concerning steep slopes), Yerkes has reevaluated the steep slope definition and Mr. Hunt states that only slopes having 3 consecutive contours of 2 feet each, or 6 feet aggregate need be shown. He supplied a steep slope analysis which he believes shows compliance with the slope requirements. The area in question is the in the 10 parking spaces on the west/southwest side. John Henssler stated that the existing barn (where the new auxiliary building is proposed) appears to sit in an area of steep slope).

Robert Johnston, of Gilmore, requests that the plans be resubmitted on a proper scale.

Albert Wachsmuth asked why the parking area was not topographically surveyed. Mr. Hunt stated that they did a boundary survey of both lots and are proposing to consolidate them. He also stated that the topography plans were included with contour surveys at two foot intervals.

Regarding Comment number 3 from the Gilmore review letter, Mr. Hunt states they will comply.

John Hensler questioned the wetlands delineation on the plan. There followed a lengthy discussion of the limits of the wetlands in the area between the springhouse and the basin near the driveway. Mr. Hunt stated that more detailed wetlands information will be provided during land development review.

Gilmore comment number 5 concerns parking. Sheet 5 of 13, per Mr. Hunt, shows parking has been added. There is an “overflow” area designated. Mr. Hunt believes the parking provided meets the letter of the code since the auxiliary building will seat 200 people and over 100 spaces have been provided. He stated this is adequate because there is no seating in the larger worship building.

Mr. Hunt restated that there will be no school or educational facilities associated with this use. Food service in the auxiliary building will be informal. There will be no organized banquet events.

Sean O’Neill stated his concern that the parking, being based only on seating, may be too narrowly tied to the Applicant’s own religious institution use, since the Ordinance uses numbers of seats as the conventional standard for measuring parking needs. He is concerned that if the religious use and buildings are approved the worship facility building will become permanent but may not always be used as proposed by this Applicant for its limited congregation, and due to the very large building size the parking (and the site for it) might then prove substandard. In response to a question from Mr. Best, Mr. Hunt acknowledged that, although the auxiliary building will seat only 200 at a time, that does not limit the amount of people who may be in the worship building.

Mr. Hunt stated that the Applicant would be amenable to conditions (traffic and parking) addressing special requirements for peak usage of the facility at “festival time”.

Frank Tavani, speaking as the Applicant’s consultant, stated that the peak parking demand is .44 spaces per attendee (according to traffic engineering planning standards), and again alluded to the proposal for the use of the “overflow area” for parking when needed. Mr. Tavani provided a “zip code analysis” showing 268 households nationwide who are worshippers.

Gilmore Comment 9 deals with circulation concerns. Based on Gilmore’s comments, the revised plan will remove two spaces by the auxiliary building so that cars can back into that area and head out.

Regarding emergency access, based on the April 9 review letter from the fire marshal, adjustments have been made on the east side of the site to accommodate maneuvering.

Regarding ridgeline protection, the Applicant showed side by side photos of the site in different season looking in each direction. The height of the auxiliary building is 35 feet. Blue spruces are said to be at a height of 25 to 35 feet providing some existing buffer.

Sean O'Neill questioned the proposed buffering of the residential properties to the west, noting that the zoning and subdivision ordinances together require a buffer screening of 30 feet which is wider than shown here.

Mr. O'Neill stated that the historic resource inventory of the Township appears to indicate that the buildings on or near the property are historic resources, and questioned whether the Applicant has reviewed this and the historic review requirements of the Ordinance. Mr. Hunt indicated that the buildings are not on the national register. Mr. O'Neill stated that the map appears to indicate that they are historic resources locally, regardless of historic registration, so that historic commission review may be required for demolition or land development.

Tom Dinan questioned the ability of the Applicant to effectively screen the proposed new buildings given the prominence of the existing barn sitting on the hill where the new buildings are proposed. Erin Smith stated the auxiliary building would be only twenty five feet high and opined that the screening would be effective. Mr. Dinan questions whether the artists' rendering of landscape trees shows that an effective screen can be created.

A number of comments and questions were received. In response to a question, John Henssler stated that the Applicant has confirmed that no medical or educational use will be conducted. A member of the audience stated that when the Applicant had a previous festival, Tally Ho Lane was blocked by buses. Mr. Yasgur expressed his concern that at one time the Applicant had stated that the use would not be visible and that is now very close and prominent. He has serious concerns about the impact on his adjoining property.

After extended discussion, based upon the conclusions stated in the review letter from Gilmore stating that the plans are not compliant at this time, John Henssler moved to recommend denial of the conditional use application. The motion was seconded by Paul Dowie. In discussion, Sean O'Neill stated that he felt the plans do not appear to be compliant with the buffer and ridgeline protection requirements, but that he would favor time for further study of the plans before final recommendation of denial or approval, since a great deal of new information has been just been presented.

After further discussion, the Applicant's attorney, Mr. Lipow, requested and agreed to an extension of time for hearing by the Supervisors in order to allow for another meeting with the planning commission before making recommendation. He stated that he would confirm such extension the following day in writing to the Township manager.

ADJOURNMENT

There being no further business, on motion by John Hensler, seconded by Bill Normoyle, the meeting was unanimously adjourned at 10:15 pm.

Respectfully Submitted,
Sean O'Neill
Sean O'Neill, Secretary